

1 TRINETTE G. KENT (State Bar No. 025180)
2 10645 North Tatum Blvd., Suite 200-192
3 Phoenix, AZ 85028
4 Telephone: (480) 247-9644
5 Facsimile: (480) 717-4781
E-mail: tkent@lemb erglaw.com

6 Of Counsel to
7 Lemberg Law, LLC
A Connecticut Law Firm
8 1100 Summer Street
9 Stamford, CT 06905
Telephone: (203) 653-2250
10 Facsimile: (203) 653-3424

11 Attorneys for Plaintiff,
12 Patricia Wells-Krob

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14 UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA
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17 Patricia Wells-Krob,

Case No.:

18 Plaintiff,

COMPLAINT

19 vs.

21 Atlantic Credit and Finance, Inc.,

JURY TRIAL DEMANDED

22 Defendant.
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1 Plaintiff, Patricia Wells-Krob (hereafter “Plaintiff”), by undersigned counsel,
2 brings the following complaint against Atlantic Credit and Finance, Inc. (hereafter
3 “Defendant”) and alleges as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

8 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28
9 U.S.C. § 1331.

10 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
11 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
12 where Defendant transacts business in this district.

13 **PARTIES**

14 4. Plaintiff is an adult individual residing in Glendale, Arizona, and is a
15 “person” as defined by 47 U.S.C. § 153(39).

16 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

17 6. Defendant is a business entity located in Roanoke, Virginia, and is a
18 “person” as the term is defined by 47 U.S.C. § 153(39).

19 7. Defendant uses instrumentalities of interstate commerce or the mails in a
20 business the principle purpose of which is the collection of debts and/or regularly
21 collects or attempts to collect debts owed or asserted to be owed to another, and is a
22 “debt collector” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
be owed to a creditor other than Defendant.

9. Plaintiff's alleged obligation arises from a transaction in which property,
services or money was acquired on credit primarily for personal, family or household
purposes, is a "debt" as defined by 15 U.S.C. § 1692a(5).

10. At all times mentioned herein where Defendant communicated with any
person via telephone, such communication was done via Defendant's agent,
representative or employee.

11. On or around June 9, 2015 Defendant called Plaintiff in an attempt to
collect the debt.

12. Plaintiff explained to Defendant that she was on a fixed income and did
not have the financial means to make repayment of the debt.

13. Defendant began listing off Plaintiff's other bills that she makes payment
towards, specifically, Bank of America.

14. Defendant implied that Plaintiff shouldn't be making repayment toward
Bank of America, but rather paying Defendant instead.

15. Furthermore, Defendant threatened Plaintiff by stating it was going to
take her to court due to Defendant's belief that Plaintiff has the financial means to
make repayment.

16. In an attempt to correct Defendant's assumption that she has the financial means to make payment, Plaintiff informed Defendant that she was considering bankruptcy.

17. Defendant responded by stating that Plaintiff would not qualify for bankruptcy and that she “shouldn’t bother”.

18. Despite Plaintiff stating she would not make repayment of the debt, Defendant continued calling her at an excessive and harassing rate, knowing that the calls would not result in collection of the debt.

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15
U.S.C. § 1692, et seq.**

19. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

20. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

21. Defendant attempted to collect a debt from Plaintiff and engaged in “communications” as defined by 15 U.S.C. § 1692a(2).

22. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

23. Defendant caused Plaintiff's phone to ring or engaged Plaintiff in telephone conversations repeatedly or continuously, with the intent to annoy, abuse and harass Plaintiff, in violation of 15 U.S.C. § 1692d(5).

24. Defendant used false, deceptive, or misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.

25. Defendant used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

26. The foregoing acts and/or omissions of Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

27. Plaintiff has been harmed and is entitled to damages as a result of Defendant's violations.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
 - B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
 - C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
 - D. Punitive damages; and
 - E. Such other and further relief as may be just and proper.

1 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
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4 DATED: September 10, 2014

TRINETTE G. KENT

5 By: /s/ Trinette G. Kent
6 Trinette G. Kent, Esq.
7 Lemberg Law, LLC
8 Attorney for Plaintiff, Patricia Wells-Krob

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